REMARKS/ARGUMENTS:

Claims 12-19 are pending in this application. In the final Office Action dated March 15th, 2006, the Examiner has rejected claims 12-19 under 35 USC 103(a) as obvious over Saji (US 5,471,486) in view of Yamamoto (US 5,327,482). The Applicant takes the reference to Saji as referring to US 5,479,486 as previously cited during prosecution of this application.

The Applicant traverses the grounds for rejection on multiple grounds, below. In short, the final Office Action fails to make a prima facie case for obviousness because the asserted combination of references fails to teach or suggest each and every claim element. The final Office Action failed to address this aspect respecting Yamamoto in the "Response to Arguments" section of the final Office Action. Reconsideration is respectfully requested.

First Distinction:

Claim 12 recites in relevant part (emphasis added):

> A radio telephone including a rechargeable power supply and having coupling means for connecting to a charging unit for charging the rechargeable power supply, **the radio telephone comprising sensing means associated with the coupling means and operable to sense the absence or the presence of the charging unit being connected to the radio telephone**, ...

Note that the above-emphasized "sensing means" is an element of the radio telephone, not of the charging unit. Since claim 12 recites that the coupling means is **for** connecting to a charging unit, the Applicant emphasizes that the charging unit is not even itself an element of claim 12. Saji is not seen to disclose, teach or suggest a radiotelephone comprising such sensing means. Specifically, the final Office Action asserts that such sensing means are taught by Saji in its disclosure of the detection circuit 15. As evident at Saji col. 4 lines 62-67 and Figure 5, the detection circuit 15 is within the Saji charging stand 6. In no instance is Saji seen to disclose a detecting circuit in the cordless handset 1. See Saji Figures 1-2 (the indicator 34 notifying the user that charging is being performed is in the charging stand 32, see col. 1 lines 34-39 and 50-56); Figure 3 (the detecting circuit 38 drives the indicator 34, both lying within the charging stand, col. 1 line 66 to col. 2 line 17); and also the Saji invention of Figures 4-5 (warning indicator 8, warning buzzer 9, switch 10, and detecting circuit 15 are in the charging stand 6).

Any modification to Saji's disclosure above is necessarily limited by ordinary skill in the art. On first blush, it might be contended that ordinary skill could modify Saji so that the detecting circuit 15 is disposed within the cordless handset 1. However, Saji teaches directly away from such a modification as follows. Details of the switch 10 are at col. 5 lines 11-20 and illustrated in the circuit diagram of Saji Figure 5. By Figure 4 and the disclosure at col. 4 lines 33-39 (and also col. 5 lines 14-17), the switch is explicitly within the charging stand 6. To sound the warning buzzer 9, the switch 10 must be closed to provide the proper input to the AND circuit 17. [At col. 6 lines 3-11, when the switch is open the indicator 8 is off and the buzzer 9 is disabled. At col. 6 lines 20-29, when the switch is closed the indicator 8 and the buzzer 9 may be disabled by the other input to the AND circuit 17. At col. 6 lines 42-52, when the switch 10 is closed and the other input to the AND circuit 17 matches, the buzzer 9 sounds.] It is apparent by the above teachings, and by the illustration of Figure 5, that the apparatus of Saji requires the detecting circuit 15 to operate in conjunction with the switch 10.

To modify Saji by moving the detecting circuit 15 to the cordless handset 1 would apparently necessarily include moving the switch 10. Even assuming such a modification could be made operable, to do so undermines the functionality of the disclosed Saji circuit arrangement. If one were to dispose the detecting circuit 15 and switch 10 in the Saji handset 1, then the warning buzzer 9 would apparently sound whenever the handset 1 were away from the charging stand 6 and placed on a flat surface so as to depress the switch 10. Saji admits at col. 2 lines 55-59 that generating a warning sound when the handset is NOT in the charger is a problem to overcome. Modifying Saji to re-introduce a problem that Saji's disclosure explicitly seeks to overcome is not seen to be within ordinary skill in the art. Modifying Saji to dispose the detecting circuit 15 but not the switch 10 in the handset eliminates the switch from the modified apparatus, since they both operate together to provide inputs to the AND circuit 17. This would change Saji's principle of operation and undermine Saji's resolution of the very problem Saji seeks to overcome at col. 2 lines 40-45.

Additionally, no disclosure is seen that would motivate one of ordinary skill to re-arrange Saji's circuitry so as to dispose the detecting circuit 15, with or without the switch 10, in the

handset 1. If the Examiner asserts that there is such motivation, then the Applicant requests some indication of how such a modification might be functional.

As Yamamoto is not seen to cure any of the above-cited defects in the Examiner's characterization of Saji against claim 12, claim 12 is seen as patentable over the cited art for this first distinction.

Second Distinction:

Claim 12 recites in relevant part (emphasis added):

> the radio telephone comprising ... inhibiting means configured to be responsive to the sensing means in such a manner that **when the sensing means senses absence of the charging unit the inhibiting means automatically inhibits operation of the radio telephone.**

Previously to the above clause in claim 12, it is recited that the charging unit is for recharging a rechargeable power supply, and that the rechargeable power supply is included in the radio telephone, so the meaning of the charging unit is not ambiguous. To the above-reproduced claim element the Examiner cites to Yamamoto at col. 8 lines 49-55 and Figure 19, and asserts at page 6 of the Office Action "...if the handset 200 is not mounted on the charger 300, it results in battery exhaustion, and the inhibiting means automatically inhibits operation of the radio telephone (col. 8 lines 45-66)." The Examiner's remark and the cited teachings at col. 8 is not seen to match the cited Figure 19 of Yamamoto, so the undersigned representative is unclear as to what the "inhibiting means" of Yamamoto might be.

Respecting the Figure 19 teachings, Yamamoto describes in the abstract that a theft detection function continuously transmits a theft signal from the branch unit until the battery of the branch unit is exhausted. This does not appear to teach or suggest the claimed "inhibiting means" because transmitting that signal in Yamamoto is unrelated to presence or absence of the charger 300. Specifically, col. 12 line 45 to col. 13 line 30 describes a timed theft detector 54 in the branch unit 200 as generating a theft signal when out-of-synchronization signals 56 or error detection signals 57 continue for more than a predetermined period of time. Those signals within the branch unit 200 derive from its communications with the base

unit 100, not with the charger 300. Yamamoto is not seen to disclose, teach or suggest any signals between the charger 300 and the branch unit 200.

Further, any inhibition of the Yamamoto branch unit 300 by sending theft signals until battery depletion is certainly not "automatically" "when the sensing means senses absence of the charging unit" as recited in claim 12. Sending the theft signals depend on the out-of-synchronization signals 56 or the error detection signals 57, whereas the asserted inhibition of the branch unit 200 is only by battery depletion.

Respecting the col. 8 teachings, Yamamoto describes at col. 8 lines 61-66 that the base unit 100 returns an inserted card to the user once it determines that the branch unit 200 is mounted on the charger 300, the advantage being to prevent battery exhaustion putting the branch unit 200 in an inoperative state. Clearly, the inhibiting means cannot be the battery itself that inhibits operation of the branch unit by battery depletion, because operation is not inhibited automatically when the sensing means senses absence of the charging unit as claimed; operation of the branch unit 200 occurs only when the battery is exhausted. This is not automatic as claimed because operation of the branch unit 200 of Yamamoto is not inhibited when removed from the charger 300 and returned prior to battery exhaustion. Were it otherwise, one could only use Yamamoto's branch unit 200 while it rested in the charger 300, wholly undermining nearly all of Yamamoto's teachings for a public cordless telephone system.

As the Examiner admits that Saji fails to teach or suggest the above-reproduced element of claim 12, and the above remarks show that Yamamoto fails to teach or suggest that same element, claim 12 is seen as patentable over the cited art for this second distinction. Claim 19 recites similarly, so claim 19 is seen as patentable over the cited art for this second distinction.

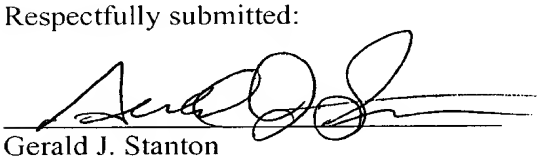
Respecting claims 13-15, since Yamamoto does not teach or suggest inhibiting means that automatically inhibits operation of the radio telephone when the sensing means senses absence of the charging unit (as detailed above with respect to claim 12 and the second distinction), it necessarily cannot teach the more particularly described inhibiting means of these claims.

Respecting claim 16, Yamamoto is a public cordless telephone system for which there is no disclosure of storing subscriber identities. The Examiner cites to disclosure concerning a current user's identity stored on that user's own prepaid card that is inserted into the base unit 100 for placing a call (col. 7 lines 54-55). A prepaid card user is by definition not a subscriber; the former pays by use and the latter subscribes to a service. Yamamoto states no reason to store subscriber identities, being a public telephone system does not operate with subscribers, and even if it did store the user identities from prepaid cards it would certainly not store them in the cordless branch unit 200. Further, no matter how interpreted, combining that teaching with Saji cannot make claim 16 obvious because, as the Board of Patent Appeals and Interferences held in this very application, Saji provides no motivation to modify its teachings to protect against theft. Inhibiting access to subscriber information is motivated by preventing theft of data, which can be used to charge unauthorized calls to another subscriber. Therefore, neither reference provides disclosure or motivation to inhibit access to stored subscriber information.

Respecting claim 18, it is again noted that Yamamoto is directed to a public cordless telephone system. The cited teachings of Yamamoto refer to inserting a prepaid card into the base unit 100, which is debited to pay for a call. This is not "restorable" as recited in claim 18, because it does not restore the branch unit 200 to operation after being inhibited. "Operation of the radio telephone is restorable" as recited in dependent claim 18 relates back to "inhibits operation of the radio telephone" recited in its independent claim 12; what was once inhibited in claim 12 is restored in claim 18. This is the plain meaning of the complementary terms inhibit and restore, proved by the disclosure at page 6 lines 23-28 wherein entering the security code renders the telephone 1 operable after it was inhibited. If not, then exactly what is being restored? In no instance is Yamamoto's theft detector 54 disabled, so as to restore operation of the branch unit 200, after inhibiting operation of that branch unit 200, because by the Examiner's rejection of claim 12, inhibition is by battery depletion. Entering a security code does not add charge to a depleted battery, so it would not restore operation of the branch unit 200. The rejection to claim 18 is seen as inconsistent with the rejection to claim 12 from which it depends.

This Application has now been pending for more than eight years. Despite two separate prosecutions on the merits and a final decision by the Board of Patent Appeals and Interferences between those prosecutions, no reference alone or in combination with any other cited reference is seen to render any of claims 12-19 unpatentable. The Applicant requests that the Examiner pass these thoroughly examined claims to issue without further delay. The undersigned representative welcomes the opportunity to resolve any matters that may remain, formal or otherwise, via teleconference at the Examiner's discretion.

Respectfully submitted:



May 9, 2006
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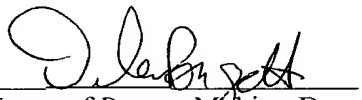

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